

REMARKS

Claims 1-10 have been withdrawn. Claims 11-15 are rejected and claims 16-20 have been allowed. Reconsideration of the application as amended is respectfully requested.

Claims 11-15 stand rejected under 35 USC §102(b) as being anticipated by Schade, Jr., U.S. Patent 4,199,733. This rejection is respectfully traversed. Claim 11 has been amended according to the suggestion of the Examiner. Claim 11 has a further limitation of a projection of the gate. Thus, Applicants believe that claim 11 is novel over the cited references, and thus allowable. Insofar as claim 11 is allowable, claims 12-14, all depend from claim 11 and its related claims, including every claimed element thereof, are also allowable on their own merits in claiming additional elements not included in claim 11.

In this Office Action, the Examiner stated that claims 14-15 are “product by process” claims. In fact, claims 14 and 15 has been amended in the previous response. Applicants believe that claims 14-15 therefore are not product by process claims in their present forms.

For the reasons as described above, Applicant believes that claim 11 is allowable over the cited references. Insofar as claim 11 is allowable, claims 12-15, all depend from claim 11 and its related claims, including every claimed element thereof, are also allowable on their own merits in claiming additional elements not included in claim 11.

Applicants gratefully acknowledge that the Examiner considers claims 16-20 to be in condition for allowance.

Withdrawal of the 35 USC §102(b) rejection is respectfully requested. Applicants have made every effort to place the present application in condition for allowance. It is therefore

earnestly requested that the present application, as a whole, receive favorable consideration and that all of the claims be allowed in their present form.

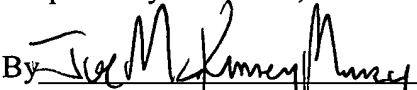
In view of the above amendment, Applicants believe the pending application is in condition for allowance. If the Examiner does not consider this application to be in condition for allowance, it is requested that this Amendment be entered for the purposed of Appeal. This Amendment should overcome the §102 rejection and therefore simplify the issues for Appeal. Nonetheless, an Appeal should be unnecessary since this application should be in condition for allowance.

In the event there are any outstanding merits remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 2, 2005

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd.

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant